

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

This application has been reviewed in light of the Office Action dated November 10, 2003. Claims 1-6 are currently pending. As indicated above, Claims 1 and 5-6 have been amended.

In the Office Action, the Examiner has rejected Claims 1 and 2 under 35 U.S.C. § 103(a) as being unpatentable over *Heidari* (U.S. 5,790,957) in view of *Hoffman* (U.S. 6,622,017 B1), and Claims 3-6 under 35 U.S.C. § 103(a) as being unpatentable over *Heidari* in view of *Hoffman*, and further in view of *Kim* (U.S. 6,421,353 B1).

In addition, the Examiner has objected to the title of the invention as not being descriptive. However, it is respectfully submitted that the Examiner is incorrect. The present invention relates to a method of operating a voice function, such as a speaker's voice registration and recognition and a voice output of stored information, whether the dual-mode radio mobile terminal is operating in analog mode or a digital mode. Further, each independent claim of the application is directed to a method of operating a voice function in a mobile terminal. As such, it is respectfully submitted that the current title, "METHOD FOR OPERATING A VOICE FUNCTION IN A DUAL-MODE RADIO MOBILE TERMINAL," is descriptive and indicative of the invention to which the claims are directed. Therefore, it is respectfully submitted that the Examiner's objection to the title be withdrawn.

The Examiner has also made a number of objections to the specification. As indicated above, the specification has been amended as recommend by the Examiner, except for amending the term "voice" to read "speech" on page 3, line 7 and page 8, line 5. On these lines, the term "voice" is used in the term "voice dialing", which is a widely used term in the related art. Therefore, it is respectfully submitted that no amendment to the term "voice dialing" is necessary and it is respectfully requested that the objections to the specification be withdrawn.

For example, to further illustrate this point, enclosed herewith are definitions and uses of the term voice dialing from <http://www.phonescoop.com/>, <http://www.lucent.com/>, and <http://www.samsung.com/>. Many other examples of the wide spread use of the term "voice dialing" are easily obtained by performing a simple Internet search.

Additionally, the Examiner has also objected to Claims 1, 5, and 6, specifically taking issue with the term "voice recognition" by asserting that it should read "speech processing". Further, the Examiner asserts that "the specification is required to employ" these terms. However, it is respectfully submitted that merely because the U.S.P.T.O. has used this terminology in classifying the arts, it in no means requires applicants to use these terms throughout submitted applications. Applicants are free to be their own lexicographers. As such, because the voice recognition process is clearly defined in the specification in the last paragraph on page 7, it is respectfully submitted that the Examiner's objection is incorrect and it is respectfully requested that the objection to the claims be withdrawn.

Additionally, the argument above is also applicable to the Examiner's objection to the term "voice dialing". Accordingly, it is respectfully submitted that the Examiner's objection is incorrect and it is respectfully requested that the objection to the claims be withdrawn.

The Examiner has also objected to the drawing, more specifically FIG. 1. The Examiner asserts that FIG. 1 includes reference numbers (101, 102, 106, and 110), which are not mentioned in the description. However, the keypad 106 is used and described in the specification (page 2, line 24). Further, a replacement FIG. 1 has been enclosed herein, in which the reference numerals 101, 102, and 110 have been removed. Therefore, it is respectfully requested that the objection to the drawings be withdrawn.

As indicated above, the Examiner has rejected independent Claims 1, 5, and 6, under 35 U.S.C. § 103(a) as being unpatentable over *Heidari* in view of *Hoffman*, and under 35 U.S.C. § 103(a) as being unpatentable over *Heidari* in view of *Hoffman*, further in view of *Kim*,

respectively. In both rejections, the Examiner asserts that *Heidari* teaches switching a vocoder into a digital mode, or switching a vocoder from a PCM to a packet mode, as recited in claims 1, 5, and 6, respectively. However, we can find no section of *Heidari* disclosing this recitation. Additionally, neither *Hoffman*, nor *Kim* cures this deficiency. Therefore, it is respectfully submitted that the Examiner is incorrect in rejecting Claims 1, 5, and 6.

Further, with regards to Claims 3-6, which the Examiner has rejected under 35 U.S.C. § 103(a) as being unpatentable over *Heidari* in view of *Hoffman*, further in view of *Kim*, it is submitted that *Kim* is not prior art, as stated under 35 U.S.C. 103(c), and also under MPEP §706.02(l)(1). That section of the statute states, in part:

(c) Subject matter developed by another person, which qualifies as prior art only under one or more subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed inventions were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The MPEP section states that the above-quoted 35 U.S.C. §103(c) applies to all utility, design and plant patent applications filed on or after November 29, 1999.

The present application was filed on May 31, 2001. Further, as the present application is assigned to Samsung Electronics, Co., Ltd., also the assignee of *Kim*, *Kim* is not prior art. Accordingly, it is respectfully submitted that the rejection of Claims 3-6 under 35 U.S.C. § 103(a) as being unpatentable over *Heidari* in view of *Hoffman*, further in view of *Kim* is improper, and it is respectfully requested that the rejection be withdrawn.

As independent Claim 1 is now believed to be in condition for allowance, it is respectfully submitted that dependent Claims 2-4 are also in condition for allowance as being dependent upon independent Claim 1.

In view of the preceding amendments and remarks, it is respectfully submitted that all pending claims, namely, Claims 1-6, are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



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